

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 5, 1997**

DIVISION TWO

[illegible]

The judgment is affirmed. The section 12022, subdivision (b) enhancement to count II is stricken.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

B107752      People                          (Not for Publication)  
v.  
Vega

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Zebrowski, J.

B105171 People v. Curley

(Not for Publication)

The judgment is affirmed.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

## November 5, 1997-Continued

## DIVISION TWO (Continued)

B096807      People      (Not for Publication)

V.

Thomas

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B100175 Melchers Limited, N.V. (Not for Publication)

V.

Yoram Globus

The judgment is affirmed.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

B105798      Adams, et al.      (Not for Publication)

V.

D. Durand Cook, Cook &amp; Linden

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.  
Ito, J. (Assigned)

DIVISION TWO (Continued)

B108867      Los Angeles County, D.C.S.      (Certified for Publication)  
v.  
Patricia L.

The permanent placement order of November 20, 1996, is reversed. The matter is remanded to the dependency court for proceedings consistent with this opinion.

Nott, J.

We Concur: Fukuto, Acting P.J.  
Zebrowski, J.

DIVISION THREE

B104366      Karen Cleaver      (Not for Publication)  
v.  
Provident Mutual Life Insurance Company  
Stewart Weissman

The judgments are affirmed as to the first and third through tenth causes of action. The judgments are reversed as to the second cause of action for intentional infliction of emotional distress. The judgment in favor of Provident Mutual on its cross-complaint is also affirmed. Each party to bear own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.  
Kitching, J.

DIVISION THREE (Continued)

B104622      Richard Byrd Tate      (Not for Publication)

v.  
Raleigh Enterprises, et al.

The order denying the motion to compel is reversed and the matter is remanded with directions to enter a new and different order granting the motion. The defendant shall recover its costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                  Aldrich, J.

B107353      Miguel A. Estrada      (Certified for Publication)

v.  
Workers' Compensation Appeals Board  
Corporate Graphics, Nationwide Mutual Insurance Company, &  
California Casualty

The decision of the Board is annulled. The cause is remanded to the Board and the Board is directed to issue a new and different order consistent with the views expressed herein.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                  Aranda, J. (Assigned)

DIVISION FOUR

B109273      Korech      (Certified for Publication)

v.  
Hornwood

The judgment (order granting attorneys fees) is affirmed. The parties are to bear their own costs on appeal.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                  Baron, J.

## DIVISION FOUR (Continued)

We concur: Vogel (C.S.), P.J.  
Baron, J.

Vogel (C.S.), P.J.

We concur: Epstein, J. (opinion)  
Hastings, J.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.



### November 5, 1997-Continued

DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Baron, J.

B109949      People  
v.  
Washington

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Jackson, J., (Assigned), and Jed H. Belcher, Deputy Clerk.

Each of the following:

B109985 People v. Holly Faye Wilson  
B109917 People v. Terrance Sutton  
B113567 DCFS v. Desmond S.

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B101023     People  
              v.  
              Hector Torres and George Romo

Merits:

Argued by John L. Staley for appellant Torres and by Michael J. Egan, deputy attorney general, for respondent. Waiver of appearance by Mark D. Lenenberg for appellant Romo. Cause submitted.

B106033     People  
              v.  
              Jorge Barahona

Merits:

Argued by Mark Leen for appellant and by Alene M. Games, deputy attorney general, for respondent. Cause submitted.

B099303     Kinsey Lee Jackson  
              v.  
              Golden State Foods Corp. et al.

Merits:

Argued by Kinsey Lee Jackson in propria persona and by Ronald S. Whitaker for respondents. Cause submitted.

B101754     Oscar Hernandez  
              v.  
              Jacqueline Smith

Merits:

Argued by John B. Wallace for appellant and by Caroline Mankey for respondent. Cause submitted.



DIVISION FIVE (Continued)

B091736     Anthony Friscia  
               v.  
               Filmaccord Corporation

Merits:

Argued by David L. Ganezer for appellant and by Patricia H. Benson for respondent. Cause submitted.

B102758     Debra English  
               v.  
               City of Signal Hill

Appearances:

William H. Burford for appellant waived appearance. Tonie Rae Bruno for respondent. Argument waived, cause submitted.

B108167     People  
               v.  
               Christopher D. Gregory

Merits:

Argued by Susan Cardine for appellant and by M. Susan Sullivan for respondent. Cause submitted.

B103879     Grand Alliance  
               v.  
               Lehman Brothers, Inc.

Merits:

Argued by Larry Gabriel for appellant and by Maurice A. Leiter for respondents and by David S. Shukan for respondents. Cause submitted.

DIVISION FIVE (Continued)

B107755     Roger H. Proulx & Co.  
                 v.  
                 Johnson & Higgins

Merits:

Argued by Stuart B. Esner for appellant and by Kirk A. Pasich for respondent. Cause submitted.

The Court reconvened at 11:00 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Jackson, J. (Assigned), and Jed H. Belcher, Deputy Clerk.

Each of the following:

B101668 People v. David Leaks  
B105839 People v. Robert Winters  
B107682 People v. Manfred Westphall  
B108552 People v. Robert Wilson  
B106728 People v. Larry Moreno  
B106369 People v. Soan Nguyen

Argument waived, cause submitted.

B105192     People  
                 v.  
                 Howard Williams and Shawn Perry.

Merits:

Argued by Walter K. Pyle for appellant Williams and by Margaret E. Maxwell, deputy attorney general, for respondent. Waiver of appearance by Anthony J. Dain, counsel for appellant Perry. Cause submitted.

Court recessed at 11:25 a.m.

DIVISION FIVE (Continued)

The Court reconvened at 1:30 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Jackson, J. (Assigned), and Jed H. Belcher, Deputy Clerk.

Each of the following:

B101136 Deals on Wheels v. Valley Produce & Deli  
B109366 DCFS v. Jimmie S.  
B105248 Brenda Tazza v. Philip Tazza  
B103146 Moseh Tarkin v. Leon Glazman  
B097926 Yun Ping Zhuang v. Tad Fujiwara  
B106676 People v. Richard Huizar

Argument waived, cause submitted.

B100067     Margaret Ryan  
               v.  
               Compton Unified School District

Merits:  
Argued by Richard J. Silber for appellant and by Melanie Lomax for respondent. Cause submitted.

Court adjourned at 2:00 p.m.

B103176     People  
               v.  
               Jerome M. Johnson

Filed order denying petition for rehearing.

B109647     Pomona Police Officers' Association  
               v.  
               City of Pomona, et al.

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B106130     People  
              v.  
              Arthur G. Hernandez

Filed order modifying opinion. (No change in the judgment.)

DIVISION SIX

(Not For Publication)

B109640     Mary Dobesh, etc.  
              v.  
              Fred H. Hunnel, Jr., et al.

Filed order modifying opinion and denying petition for rehearing. (No change in the judgment.)

DIVISION SEVEN

B086077     People                                 (Not for Publication)  
              v.  
              Campos

The sentence is vacated and the judgment reversed.

Woods, J.

We concur:    Lillie, P.J.  
                  Johnson, J.

B089331     People                                 (Not for Publication)  
              v.  
              Gore

The sentence is vacated and the judgment reversed.

Woods, J.

We concur:    Lillie, P.J.  
                  Johnson, J.

## November 5, 1997-Continued

## DIVISION SEVEN (Continued)

B089318 People v. Drew (Not for Publication)

The conviction is affirmed, the sentence is vacated, and matter is remanded to the trial court.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B104533 People (Certified for Publication)  
v.  
Sanchez

The judgment is affirmed.

Woods, J.

I concur: Lillie, P.J.  
I dissent: Johnson, J. (Opinion)

B087285      People      (Not for Publication)  
v.  
Bailey

The sentence is vacated and the judgment reversed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

November 5, 1997-Continued

DIVISION SEVEN (Continued)

B096383      Jenner      (Not for Publication)

V.

California Institute of Technology

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.